

REMARKS

Prosecution Summary. The pending application was filed more than five (5) years ago on October 24, 2003 with 25 claims. The first office action was filed three (3) years 9 months later on July 24, 2007. The presently addressed fifth office action was filed July 1, 2009.

Claim Summary. Claims 1-25 are pending. Claims 1, 8, and 16 are independent. There are no claim amendments.

Office Action Summary. Previous rejections are withdrawn, and the claims are rejected on new grounds. Claims 1-25 are rejected under 35 U.S.C. 35 § 103(a).

Remarks summary. Applicants respectfully traverse the objections and rejections. As explained in detail below, it is respectfully submitted that the claims are allowable over the newly asserted art. It is respectfully submitted that the arguments underlying the rejection are in error. Reconsideration and withdrawal of the rejection in view of the following remarks is respectfully requested.

References to the Pending Application. Reference to paragraphs in the pending application are to the numbered paragraphs in the Published Application No. 2005/0091168.

Telephone Conversation With Examiners

Examiner Murdough and Supervisor Fisher are thanked for the telephone conversation conducted on August 12, 2009. Differences between the asserted art and the claimed subject matter were discussed. In view of Applicants' remarks and arguments, it was agreed that another non-final Office Action will be mailed in response to Applicants' reply to the instant Office Action.

Rejection of Claims 1-25 under 35 U.S.C. § 103(a)

Claims 1-25 are rejected under 35 U.S.C. 35 § 103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0088516, by Remer et al. (hereinafter referred to as "Remer")

in view of U.S. Patent Application Publication No. 2003/0076957, by Asokan et al. (hereinafter referred to as “Asokan”) and, with respect to claims 4, 14 and 24, U.S. Patent No. 6,115,777, by Zahir et al. (hereinafter referred to as “Zahir”). (Office Action, pp. 2-10). Applicants respectfully traverse.

It is respectfully submitted that the arguments in the Office Action are inconsistent and inaccurate relative to the claimed subject matter and the asserted references.

Contrary to the citation/argument in the Office Action, Remer does not teach or suggest license enforcement “for a computer program subject to use under a plurality of licenses each permitting different rights in the computer program.” Remer discloses only one and only one (the exact same) right to use software services. In Remer, only the validity of the license (the right to use the software as a whole) varies, i.e., the license (whether trial or purchased) is valid or invalid. This is obviously more simplistic than software subject to a plurality of different licenses permitting different uses of the software. Thus, the citation to Remer’s paragraph 0002 clearly does not teach or suggest the subject matter it is cited against.

Contrary to the citation/argument in the Office Action, Remer does not teach or suggest “the licensing component exposing a callable interface to the computer program.” The claimed subject matter requires that the callable interface be exposed to/called by the licensable computer program. However, the Office Action argues that this is taught by Remer’s external service agent pinging the POS (a/k/a end user computer or managed node) to retrieve a license 300, which according to paragraph 0047 causes a local service agent on the POS to generate a license. (Office Action, p. 3). This and other aspects of Remer fail to teach that a licensing component (let alone the claimed licensing component) exposes a callable interface to be called by licensable software. An external agent calling a local agent is irrelevant.

Contrary to the citation/argument in the Office Action, Remer does not teach or suggest “the licensing component exposing a callable interface [comprising right-consumption and information retrieval components] to the computer program.” If, as argued, Remer’s external

service agent (step 230, ¶ 0035) is equivalent to the claimed “licensing component” then it is the external service agent, not the POS, that must comprise the claimed right-consumption and information retrieval components. However, the Office Action inconsistently argues on page 3 that an act by the POS in determining whether its license is valid (step 420) allegedly teaches a right-consumption component of an interface on the external service agent. This argument is without support. Moreover, checking whether the license itself is valid is not the same as determining what rights exist in a license, which is what is claimed. Further still, there is nothing in Remer where Remer’s licensable software (software service) sends an identifier of a right to the external service agent to determine if the software service can exercise the identified right, which would be required to teach the claimed subject matter. No identifier of a right is received by any component.

Contrary to the citation/argument in the Office Action, Remer does not teach or suggest “the licensing component exposing a callable interface [comprising right-consumption and information retrieval components] to the computer program.” If, as argued, Remer’s external service agent (step 230, ¶ 0035) is equivalent to the claimed “licensing component” then it is the external service agent, not the POS, that must comprise the claimed right-consumption and information retrieval components. However, the Office Action inconsistently argues on page 4 that an act by the POS in determining whether the node ID pushed to it by the external service agent matches its node ID (step 390) allegedly teaches an information-retrieval component of an interface on the external service agent. This argument is entirely without support. Moreover, receiving a node ID is not the same as receiving an identifier of a right in a license. Additionally, the POS checking whether the node ID pushed to it matches its node ID is not the same as providing a set of data associated with an identified right to the licensable software, which is what is claimed. Further still, there is nothing in Remer where Remer’s licensable software (software service) sends an identifier of a right to the external service agent requesting data associated with the identified right, which would be required to teach the claimed subject matter.

Asokan is cited as allegedly disclosing the storage of dynamic data in a tamper-resistant manner. It is not cited for, nor does it teach or suggest, any of the claim limitations for which Remer is cited. Likewise, Zahir is cited only against dependent claims 4, 14 and 14. It is not cited for, nor does it teach or suggest, any of the claim limitations for which Remer is cited. Thus, even if it were obvious to some how combine Remer and Asokan or Remer, Asokan and Zahir, which Applicants dispute, the combination fails to teach or suggest the claimed subject matter anyway.

Despite the fact that claims 1, 8, and 16 have different claim limitations, the Office Action used the same argument on pages 2-4 to reject claims 1, 8, and 16 collectively. In doing so, the Office Action failed to address all claim limitations. Thus, the Office Action failed to present a prima facie rejection of claims 8 and 16 (and all claims depending thereon). Furthermore, the foregoing remarks rebutting the rejection of claim 1 apply in whole to the rejection of claims 2-7 and at least in part to the rejection of claims 8 and 16 (and all claims depending thereon).

Thus, it is respectfully submitted that the arguments in the Office Action are inconsistent and inaccurate relative to the claimed subject matter and the cited references. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-25.

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CONCLUSION

Any amendments made during prosecution of the pending application are without abandonment of subject matter. Applicants expressly reserve the right to, in the pending application or any application related thereto, reintroduce any subject matter removed from the scope of claims by any amendment and introduce any subject matter not present in current or previous claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested.

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